

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Clifford A. Gooden, III,

Case No. 22-cv-2543 (KMM/LIB)

Petitioner,

v.

ORDER

Tim Lane et al.,

Respondents.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, dated October 21, 2022. No objections have been filed to that R&R in the permitted time period.

In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs [ECF No. 2] is **DENIED** as moot;

3. Petitioner's Motion to Authorize this Court to Obtain the Original Record in the Ensuing Criminal Case [ECF No. 3] is **DENIED** as moot; and
4. Petitioner's Motion to Stay the state court criminal proceedings [ECF No. 4] is **DENIED** as moot;
5. This matter is **DISMISSED** without prejudice for lack of subject matter jurisdiction.

Let Judgment Be Entered Accordingly.

Date: March 29, 2023

s/Katherine Menendez
Katherine Menendez
United States District Judge